

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TRUE THE VOTE, ET AL.

PLAINTIFFS

v.

Cause No. 3:14cv00532-NFA

**HON. DELBERT HOSEMAN, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE STATE OF MISSISSIPPI,
THE REPUBLICAN PARTY OF MISSISSIPPI, HINDS COUNTY
ELECTION COMMISSION, ET AL.**

DEFENDANTS

**HINDS COUNTY, MISSISSIPPI ELECTION COMMISSION'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Defendant, the Hinds County, Mississippi Election Commission ("Hinds Commission"), through counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure and other applicable authority, and files its Motion for Summary Judgment, respectfully requesting that this Court grant them judgment as a matter of law against the Plaintiffs. In support thereof, the Hinds Commission states as follows:

Introduction and Procedural Summary

Plaintiffs, consisting of various individuals and an entity named True the Vote (collectively "True Vote Plaintiffs") instituted this action on July 9, 2014, by filing a Complaint for Declaratory and Injunctive Relief against the Hinds Commission and other Defendants, generally claiming that the True Vote Plaintiffs were denied access to voter poll books, in violation of the National Voting Registration Act ("NVRA")¹. Plaintiffs allege they are entitled to unredacted poll books from the Hinds Commission, despite the proof

¹42 U.S.C. § 1973gg-6(i).

showing Plaintiffs never requested unredacted poll books from the Hinds Commission pursuant to the NVRA. On July 24, 2014, an evidentiary hearing was conducted on Plaintiffs' request for relief. Thereafter, this Court entered its Order inviting the Defendant "to file motions for summary judgment on the NVRA claims to resolve on the merits Plaintiffs' claims..."²

1.

The Hinds Commission is entitled to judgment as a matter of law for the following reasons: (1) the NVRA does not apply to this matter; (2) the NVRA does not apply to poll books; (3) the NVRA does not apply to the Hinds Commission, but instead to State Election Officials, (4) No one ever sought disclosure of Hinds Commission information under the NVRA, and (5) Plaintiffs' injunctive relief request is moot

2.

In further support of their Motion for Summary Judgment, the Hinds Commission is filing a Memorandum of Authorities and relies on the following exhibits of record:

<u>Item/Document</u>	<u>Marked</u>
Plaintiffs' Motion for Temporary Restraining Order (07/09/14)	Dock. No. 8
Plaintiffs' Bill of Particulars with attachments (07/17/14)	Dock. No. 25
Evidentiary Hearing Transcript (07/24/14)(designated as "T" in Memorandum of Authorities)	Dock. No. 50
Court Order (07/25/14)	Dock. No. 46
Notice of Filing Incident Reports (07/28/14)	Dock. No. 49
Hinds Co. Incident Report-Melinda Kinley (07/07/14-TTV 26)	Dock. No. 49-3
Hinds Co. Incident Report-Melinda Kinley (07/08/14-TTV 27)	Dock. No. 49-3
Hinds Co. Incident Report-Melinda Kinley (07/07/14-TTV 28)	Dock. No. 49-3
Hinds Co. Incident Report-Melinda Kinley (07/08/14-TTV 29)	Dock. No. 49-3
Hinds Co. Incident Report- Ruth Wall (07/08/14-TTV 30)	Dock. No. 49-3

²See Dock. No. 46.

Hinds Co. Incident Report-Ruth Wall (07/07/14-TTV 31)	Dock. No. 49-3
Hinds Co. Incident Report-Sharon Quinn (07/07/14-TTV 32)	Dock. No. 49-3
Hinds Co. Incident Report-Melinda Kinley (07/07/14-TTV 33)	Dock. No. 49-3
Plaintiffs' First Amended Complaint (07/30/14)	Doc. No. 58

WHEREFORE, PREMISES CONSIDERED, the Hinds County, Mississippi Election Commission respectfully requests that this Court enter its order awarding the Hinds County, Mississippi Election Commission judgment as a matter of law in their favor, including all attorneys' fees and costs to which they are entitled. Finally, the Hinds County, Mississippi Election Commission requests any and all other relief to which they are entitled.

THIS the 6th day of August, 2014.

Respectfully submitted

**HINDS COUNTY, MISSISSIPPI
ELECTION COMMISSION**

By: /s/ Pieter Teeuwissen
Pieter Teeuwissen
Mississippi Bar No. 8777

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CERTIFICATE OF SERVICE

I, Pieter Teeuwissen, one of the attorneys for the Hinds County, Mississippi Election Commission, do hereby certify that the foregoing document has been filed with the Clerk of the Court using the Court's ECF system and thereby served on all counsel of record who have entered their appearance in this action to date.

THIS, the 6th day of August, 2014.

/s/ Pieter Teeuwissen

Pieter Teeuwissen